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Human rights situation in Palestine and other
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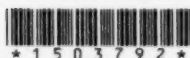
Written statement^{*} submitted by the Al Mezan Centre for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Lifting the Closure in Conjunction with Crucial Accountability

The Al Mezan Centre for Human Rights is presenting this written statement to call for support for the collective steps initiated towards securing accountability and access to justice for victims of Israel's mechanisms of occupation and closure/blockade of the Gaza Strip. While efforts made towards ending impunity remain crucial, the groundwork for justice requires the complete lifting of Israel's closure of the Gaza Strip, which results in the infringement of basic and inalienable rights of the Palestinian people and maintains a wholly unsustainable situation amounting to a protracted humanitarian crisis.

Military offensive

On 7 July 2014, the State of Israel launched a large offensive codenamed 'Operation Protective Edge' (OPE). The 51-day offensive was comprised of a brutal campaign of violence by land, air, and sea against the Gaza Strip. The offensive resulted in the killing of 2,215 people in Gaza by Israeli forces, including 556 children, 293 women, and 42 people with disability. Of the total fatalities, 1,093 people were killed in their homes, including 387 children and 242 women. Israeli forces targeted, destroyed and damaged civilian and public infrastructure en masse, including medical, sanitation, education, and electricity facilities. Over 32,027 homes were destroyed completely or sustained significant damages. The destruction continues to compound the longstanding violations from the closure/blockade, including on the right to health, right to adequate housing, and right to an adequate standard of living.

Closure

Additionally, from 1 November 2013 until 31 October 2014, Al Mezan documented over 130 incidents of torture and cruel, inhuman and degrading treatment (CIDT) by Israeli forces and authorities of Palestinians in Gaza seeking medical care in Israel or the West Bank, and in Israeli prisons. The incidents of torture and CIDT were carried out as an extension of the policy of closure, where arrests of people in or near the Israeli-controlled buffer zone, of fishermen, and of patients, are frequent. Outside of the July-August 2014 full-scale military bombardment and within the context of Israeli mechanisms of control of the Gaza Strip, Israeli forces killed 25 Palestinians in Gaza in 2013 and 2014.

The entire population of Gaza suffers from the closure/blockade in its denial of basic services and needs, including goods, food, medicine, infrastructure, and access to education and healthcare. These restrictions affect the life and wellbeing of the whole population, while placing particular groups of society at a higher risk of vulnerability such as children, women, older people, and people with disability. As reported by the International Committee for the Red Cross (ICRC) in 2010, such restrictions, inflicted on an indiscriminate number of persons, amount to a form of collective punishment of a civilian population in violation of the absolute prohibition included in Article 33 of the Fourth Geneva Convention (IVGC).

The temporary ceasefire agreement that became active on 26 August 2014 included provisions of renewed terms for Israel's closure/blockade of the Gaza Strip. The measures implemented by Israel since have not been sufficient to deem an easing of restrictions and have not meaningfully improved the humanitarian crisis.

Reconstruction

The Gaza Reconstruction Mechanism (GRM), as it is currently framed, remains futile: the process is inefficiently slow against massive destruction; it further institutionalizes the closure/blockade by operating under the Israeli instituted mechanisms of control; and it gives the Israeli government financial gains within the administration of the reconstruction efforts. The GRM lacks necessary components of accountability and inappropriately benefits the Israeli economy.

Accountability

The link between the closure policy and Israel's lack of accountability is evident in the Israeli government's denial of Palestinian victims' physical access to Israeli courts, which results in the dismissal of their cases. The evidence from Al Mezan's continued engagement with Israel's investigatory mechanisms demonstrates that as the institutions stand, the mechanisms do not function to hold political leaders and military commanders to account and do not comply with international standards of the duty to investigate.

Al Mezan is currently pursuing 21 serious requests for criminal investigations into the actions of Israeli forces during the bombardment with Israel's Military Advocate General; to date, 2 cases have been closed without any preliminary investigation. Al Mezan also submitted notifications of intention to file civil compensation cases to the Ministry of Defence on behalf of 287 victims in serious attacks by Israeli forces during OPE.

Self-determination

A previous petition to Israel's Supreme Court to end the blanket ban on student travel from Gaza to the West Bank was dismissed by the Court despite the failure of the State to provide any evidence that the movement of students poses security risks. The ban, in violation of Article 13 of ICESCR, remains in effect since 2000. Hindering the normal functioning of the Palestinian education system, the ban hampers development without any lawful justification. The Israeli government informed the Court that the ban was motivated by pursuing a policy of separation between Gaza and the West Bank, and not by specific security concerns.

The closure policy must be seen in the context of Israel's efforts to prevent Palestinian self-determination, fragment the occupied Palestinian territory, and annex land. The closure policy is not a security measure, but rather a political measure to serve Israeli strategic aims.

We are therefore urging the Honorable Council to consider two matters of primary concern:

- The illegal occupation and closure of the Gaza Strip is preventing the population from rebuilding, healing, and breaking out of the protracted effects of Israel's most recent bombardment. The closure policy also hinders the already obstructed avenues towards justice. Accountability initiatives must be taken in conjunction with swift measures to enable the Palestinian population of Gaza to achieve an adequate standard of living.
- The initiatives currently underway to secure justice and accountability internationally, both through the Human Rights Council Commission of Inquiry and the International Criminal Court, have been repeatedly undermined, obstructed, and delayed. The actions therefore require the full support and backing of the Honorable Council and the international community, in line with UN principles of justice and International Law.

Now more than five years on from Judge Richard Goldstone's conclusion on the closure, we remember his call that if the situation did not improve within six months, the matter should be referred to the International Criminal Court. Where Judge Goldstone considered the cumulative impact of the closure/blockade with the years of justice and accountability denied, the conclusion highlighted a possible crime against humanity.